

(4) **CLASSIFIED INFORMATION.**—The term “classified information” means the following:

(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

(5) **GENEVA CONVENTIONS.**—The term “Geneva Conventions” means the international conventions signed at Geneva on August 12, 1949.

(Added Pub. L. 109-366, §3(a)(1), Oct. 17, 2006, 120 Stat. 2601.)

REFERENCES IN TEXT

The date of the enactment of the Military Commissions Act of 2006, referred to in par. (1)(ii), is the date of enactment of Pub. L. 109-366, which was approved Oct. 17, 2006.

SHORT TITLE

Pub. L. 109-366, §1(a), Oct. 17, 2006, 120 Stat. 2600, provided that: “This Act [enacting this chapter and section 2000dd-0 of Title 42, The Public Health and Welfare, amending sections 802, 821, 828, 836, 848, 850, 881, 904, and 906 of this title, section 2441 of Title 18, Crimes and Criminal Procedure, section 2241 of Title 28, Judiciary and Judicial Procedure, and section 2000dd-1 of Title 42, enacting provisions set out as notes under this section, section 2441 of Title 18, section 2241 of Title 28, and section 2000dd-1 of Title 42, and amending provisions set out as a note under section 801 of this title] may be cited as the ‘Military Commissions Act of 2006.’”

CONSTRUCTION OF PRESIDENTIAL AUTHORITY TO ESTABLISH MILITARY COMMISSIONS

Pub. L. 109-366, §2, Oct. 17, 2006, 120 Stat. 2600, provided that: “The authority to establish military commissions under chapter 47A of title 10, United States Code, as added by section 3(a), may not be construed to alter or limit the authority of the President under the Constitution of the United States and laws of the United States to establish military commissions for areas declared to be under martial law or in occupied territories should circumstances so require.”

SUBMITTAL OF PROCEDURES TO CONGRESS

Pub. L. 109-366, §3(b), Oct. 17, 2006, 120 Stat. 2631, provided that: “Not later than 90 days after the date of the enactment of this Act [Oct. 17, 2006], the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the procedures for military commissions prescribed under chapter 47A of title 10, United States Code (as added by subsection (a)).”

§ 948b. Military commissions generally

(a) **PURPOSE.**—This chapter establishes procedures governing the use of military commissions to try alien unlawful enemy combatants engaged in hostilities against the United States for violations of the law of war and other offenses triable by military commission.

(b) **AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.**—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

(c) **CONSTRUCTION OF PROVISIONS.**—The procedures for military commissions set forth in this

chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided in this chapter. The judicial construction and application of that chapter are not binding on military commissions established under this chapter.

(d) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by this chapter.

(e) **TREATMENT OF RULINGS AND PRECEDENTS.**—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

(f) **STATUS OF COMMISSIONS UNDER COMMON ARTICLE 3.**—A military commission established under this chapter is a regularly constituted court, affording all the necessary “judicial guarantees which are recognized as indispensable by civilized peoples” for purposes of common Article 3 of the Geneva Conventions.

(g) **GENEVA CONVENTIONS NOT ESTABLISHING SOURCE OF RIGHTS.**—No alien unlawful enemy combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights.

(Added Pub. L. 109-366, §3(a)(1), Oct. 17, 2006, 120 Stat. 2602.)

§ 948c. Persons subject to military commissions

Any alien unlawful enemy combatant is subject to trial by military commission under this chapter.

(Added Pub. L. 109-366, §3(a)(1), Oct. 17, 2006, 120 Stat. 2602.)

§ 948d. Jurisdiction of military commissions

(a) **JURISDICTION.**—A military commission under this chapter shall have jurisdiction to try any offense made punishable by this chapter or the law of war when committed by an alien unlawful enemy combatant before, on, or after September 11, 2001.

(b) **LAWFUL ENEMY COMBATANTS.**—Military commissions under this chapter shall not have